

REMARKS/ARGUMENTS

Claims 1-5 are pending in the application, with claim 1 being the independent claim. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1, 4 and 5 have been rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,324,259 to Taylor et al. ("the '259 patent"). Applicants respectfully traverse the rejection for at least the following reasons.

Independent claim 1 of the present application recites a guidewire tubular member ***"extending from a position proximal the balloon through the balloon to a position distal the balloon."*** The '259 patent does not disclose this feature of claim 1. The Examiner relies on elements 12, 14, and 16 of the '259 patent as the claimed "guidewire tubular member." However, none of these elements extend beyond the distal end of balloon 13. In particular, the distal most member of the '259 patent is sealing element 16, which "prevents the escape of significant quantities of inflation fluid through the distal guidewire port 23." Column 5, lines 26-28. The distal end of the catheter in the '259 patent is defined by distal end 17 of sealing element 16, which corresponds with distal end 18 of balloon 13. As described in the '259 patent, "tubular sealing element 16 is disposed in the distal end of the catheter body and is preferably bonded by its distal extremity 17 in a suitable manner to the inside of the distal end 18 of the balloon 13." Column 5, lines 14-17. Sealing element 16 does not extend to a position distal the balloon, and thus the '259 patent does not disclose a guidewire tubular member which extends *to a position distal the balloon*.

Claim 1 of the present application also recites a guidewire tubular member having a ***"proximal segment formed of a first material having a first flexibility bonded to a distal segment formed of a second material."*** The '259 patent does not disclose this feature. In particular, the Examiner relies on elements 12, 14, and 16 as the claimed "guidewire tubular member." However, neither tubular shaft 12, nor helical coil 14, is *bonded to* sealing element 16 (i.e., the distal segment of claim 1). Alternatively, if the Examiner relies on tubular shaft 12 as the proximal segment and helical coil 14 as the distal segment, then there is no "bond joining the balloon distal end to the proximal segment and the distal segment" as required by claim 1.

Claim 1 of the present application also recites ***"a bond joining the balloon distal end to the proximal segment and the distal segment."*** The '259 patent does not disclose this feature. In particular, the Examiner relies on elements 12 and/or 14 as the claimed "proximal segment" of

the guidewire tubular member, and elements 14 and/or 16 as the claimed "distal segment" of the guidewire tubular member. However, neither tubular shaft 12, nor helical coil 14, is *bonded to* sealing element 16 (i.e., the distal segment of claim 1). Thus, two different bonds would be required to attach the distal end of balloon 13 to tubular shaft 12/helical coil 14 (i.e., the proximal segment of claim 1) and to sealing element 16 (i.e., the distal segment of claim 1). Alternatively, if the Examiner relies on tubular shaft 12 as the proximal segment and helical coil 14 as the distal segment, a bond joining these elements occurs at the proximal end of balloon 13. Thus, there is no "bond joining the *balloon distal end* to the proximal segment and the distal segment" as required by claim 1.

The '259 patent does not disclose or suggest the claimed elements discussed above, and thus withdrawal of this rejection is respectfully requested. Claims 4 and 5 depend from claim 1 and are allowable for at least the same reasons as those stated above. In light of the remarks above, Applicants respectfully request the withdrawal of this rejection and the allowance of claims 1, 4 and 5.

Rejections under 35 U.S.C. § 103

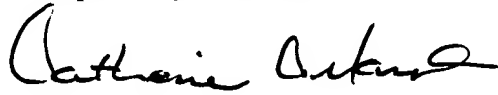
Claims 2 and 3 have been rejected as being obvious under 35 U.S.C. § 103 in view of U.S. Patent No. 5,324,259 to Taylor et al. ("the '259 patent"). Applicants respectfully traverse the rejection. Claims 2 and 3 depend from and add further features to independent claim 1. As noted above, the features of claim 1 that the guidewire tubular member extend *to a position distal the balloon*, the guidewire tubular member has a proximal segment *bonded to* a distal segment, and the catheter includes a bond which joins the balloon distal end to the proximal segment and the distal segment are not disclosed in or suggested by the '259 patent. Accordingly, Applicants respectfully request the withdrawal of this rejection and the allowance of claims 2 and 3.

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Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-0221.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Catherine C. Maresh", written over a horizontal line.

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